

VZCZCXRO1817
PP RUEHCN RUEHGH RUEHVC
DE RUEHHK #1148/01 1760957
ZNY CCCCC ZZH
P 240957Z JUN 08
FM AMCONSUL HONG KONG
TO RUEHOO/CHINA POSTS COLLECTIVE PRIORITY
RUEHC/SECSTATE WASHDC PRIORITY 5171
INFO RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 HONG KONG 001148

SIPDIS

NSC FOR DENNIS WILDER
DEPT FOR G/TIP, G, INL, DRL, PRM, IWI, EAP/RSP, EAP/CM,
USAID

E.O. 12958: DECL: 06/24/2033

TAGS: [KCRM](#) [KFRD](#) [KWMN](#) [PREL](#) [PHUM](#) [SOCI](#) [SMIG](#) [CH](#) [HK](#) [MC](#)
SUBJECT: MACAU TIP: NEW LAW AND SEMINAR BOOST COMMITMENT
AGAINST TRAFFICKING

REF: A. HONG KONG 000408
[B.](#) OSC REPORT CPP20080618715024
[C.](#) 07 HONG KONG 002360

Classified By: E/P Section Chief Laurent Charbonnet; Reasons 1.4 (b, d)

¶1. (SBU) Summary: The Legislative Assembly (LA) in Macau unanimously passed a new, comprehensive anti-human trafficking law on June 12 that broadens the definition of trafficking crimes, increases punishments for convicted traffickers, and guarantees protections for victims. The new law was gazetted on June 23 and took effect June 24. Just before the law was enacted, a Macau NGO organized and hosted the first State Department-funded (Women's Issues grant) anti-human trafficking seminar in Macau. The event generally elevated awareness of human trafficking and forced labor issues in Macau and elsewhere; it also promoted discussion among government agencies, NGOs, media, and business of efforts and strategies to combat these crimes in Macau, as well as ways and means to strengthen public-private partnerships against human trafficking. In her keynote address, Macau Secretary for Administration and Justice Florinda Chan, on behalf of the Chief Executive, reaffirmed her government's determination to end human trafficking in Macau. End Summary.

¶2. (C) Comment: Enactment of the new law and the successful staging of the anti-trafficking seminar are important positive developments that demonstrate the growing awareness of, and commitment against, human trafficking in Macau. Coupled with support from the Chief Executive, the new law gives the authorities in Macau the mandate to pursue and prosecute a wider range of trafficking crimes, including trafficking of victims into Macau. As most cases involve women trafficked from mainland China into Macau, closer cooperation between mainland and Macau authorities will be essential. Law enforcement training -- especially on evidence collective techniques -- will become increasingly important, as will expanded cooperation between government and non-government agencies and the private sector. The broad attendance and extensive media coverage accorded the seminar achieved its goal of raising awareness among the business community and general public in Macau's insular, conservative society. The new law and the seminar are major steps forward, but the USG will need to continue to engage Macau's government and society to maintain the pressure against human trafficking, and ensure these new legal tools are used to prosecute traffickers and assist victims. End Comment.

TIP Bill Passes Macau Legislature, Signed into Law

¶3. (SBU) On June 12, the Macau Legislative Assembly (LA) unanimously passed a new, comprehensive anti-human

trafficking bill. Chief Executive Ho signed the bill, which the government submitted to the legislature in February (ref A), on June 23 and it was gazetted into law the same day, to take effect June 24. The new law expands the range of crimes considered trafficking, increases punishments for convicted traffickers, and guarantees protections for trafficking victims. The Chair of the First Standing Committee of the LA, Ms. Kwan Tsui-hang, oversaw legislative debate on the bill, and reportedly lauded it for fulfilling Macau's obligations under international law to combat human trafficking through a series of policies, law enforcement and technical measures, including:

- a) Criminalizing all forms of trafficking in persons into, from or through Macau;
- b) Strengthening protections for children through stricter penalties against offenders who exploit child victims;
- c) Establishing criminal liabilities for legal persons, including organizations, complicit in human trafficking;
- d) Defining the rights of victims, including the right to: report suspected cases of trafficking immediately to local diplomatic missions; act as a litigant and receive legal representation and translator support during legal proceedings; receive loss/damage compensation; obtain free social, psychological, healthcare, and medical assistance from the Social Welfare Bureau; and, receive protection from judicial and police authorities for family members or other witnesses in the case if needed.

¶4. (SBU) Following consultations and debate, the LA decided to increase penalties beyond those proposed by the government. The law provides for imprisonment for 3-12 years

HONG KONG 00001148 002 OF 003

for human trafficking, including sex, labor and service exploitation, as well as trafficking organs or tissues; 5-15 years for trafficking minors (under 18 years), with penalties increasing by one third for trafficking victims under 14; one to five years for the transfer, sale or unlawful adoption of minors; one to five years for those who exploit the labor of the victim or use the organ(s) of the victim with the knowledge that other people have committed crimes as described above; and, one to five years for retaining, hiding, spoiling or destroying identification or tourist documents of a trafficking victim, providing no harsher punishment is available in other laws. (Note: The Open Source Center published a complete translation of the law via the OSC website (ref B). End Note.) The LA standing committee that examined the bill reportedly also proposed that the interagency "Concern Committee on Deterring Trafficking in Persons" (ref C) should be made an executive department with enhanced intelligence collection and trafficking prevention powers. The government has not yet responded to the LA's proposal.

Anti-TIP Seminar Promotes Stakeholder Cooperation

¶5. (SBU) Sr. Juliana Devoy, Director of the Good Shepherd Sisters Women's Shelter in Macau, hosted the first State Department-funded (Women's Issues grant), anti-human trafficking seminar in Macau on June 5. The successful event generally raised awareness of human trafficking and forced labor issues in Macau; participants discussed efforts and strategies to combat these crimes as well as means through which to strengthen public-private partnerships against human trafficking. Speakers from various Macau government agencies and NGOs addressed a 55-person audience that included stakeholders from local businesses, NGOs, social welfare and healthcare organizations, women's groups, academia and the press. Speakers addressed issues ranging from the definition of human trafficking, Macau's legal framework for combating human trafficking, enforcement and victims' assistance measures, the reasons behind trafficking into and through Macau, and what has or needs to be done.

¶ 6. (SBU) Macau's second-highest official, Secretary for Administration and Justice Florinda Chan, speaking -- on behalf of CE Edmund Ho -- opened the event by reviewing steps already taken, inviting greater community collaboration, and affirming the government's determination to end human trafficking in Macau. Other government officials from the International Law Office, Social Welfare Bureau, Judiciary Police, and the Macau Law Department described their agency's efforts against trafficking. Gloria Ko, Head of Office of the International Organization for Migration in Hong Kong, also spoke about the root causes of trafficking, especially poverty, and noted that in any jurisdiction cooperative efforts -- especially between government and non-government stakeholders -- were the most effective approach.

¶ 7. (SBU) Professor Richard Welford, Co-Director of CSR-Asia (Corporate Social Responsibility - Asia), stressed the important role of business in the fight against trafficking, and highlighted a number of factors in Macau that upped the ante for private industry. Macau's growing gambling and entertainment sector has benefited Macau's economy but also has caused mounting social challenges, and offers a platform for trafficking, said Welford. But businesses in that sector also have the resources, expertise, and "responsibility" to act, he added. Nevertheless, private industry's capacity to act did not negate the government's responsibility; rather, it required formation of public-private partnerships to harmonize measures for prevention, protection, and prosecution of trafficking.

¶ 8. (SBU) More to the point, Director Adrielle Panares of the Migrants Program at International Social Services (Hong Kong) described the hardships trafficking victims face, especially in East Asia's lucrative sex trade. Panares said that victims in Hong Kong, who may at times travel onward to Macau, are often single and aged 20-33 years. They enter as tourists or entertainers (with fraudulent work papers), then -- although they are briefed on the signs of and methods for escaping trafficking upon entry into Hong Kong -- are quickly manipulated into circumstances of debt bondage or other forms of exploitation. She said the "emotional blackmail" victims often experience, including threats to their families and friends, required extensive inter-country casework throughout the region. While fielding questions and discussing efforts

HONG KONG 00001148 003 OF 003

underway in Macau, Panares quipped that "after hearing all the provisions being planned or implemented in Macau -- I want to work here."

Cunningham